

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20024



**U.S. Immigration  
and Customs  
Enforcement**

MEMORANDUM FOR: Tae D. Johnson  
Assistant Director  
Custody Management

THROUGH: Jay M. Brooks  
Deputy Assistant Director  
Detention Management Division

Gerald J. Suffoletta  
Acting Unit Chief  
Detention Standards Compliance Unit

FROM: Gregory S. Brawley  
Acting Field Office Director  
Philadelphia Field Office

SUBJECT: York County Prison – Waiver Request

Purpose:

This memorandum requests the Assistant Director (AD) for Custody Management (CM) approve a waiver for Enforcement and Removal Operations (ERO), Philadelphia Field Office, York County Prison (YCP), as it relates to the Grievance System in Detention Facilities, Section (V)(C)(3) within the 2008 Performance-Based National Detention Standards (PBNDS) which reads, “Grievance forms concerning medical care shall be delivered directly to medical staff designated to receive and respond to medical grievances at the facility. Designated medical staff shall act on the grievance within five working days of receipt and provide the detainee a written response of the decision and the rationale. This record should be maintained per Section E “Record-Keeping and File Maintenance.”

Background:

On October 2, 2014, the Nakamoto Group (NG) completed an annual detention inspection of the YCP. In part, the NG cited the following Grievance System deficiency:

- Medical grievances are not submitted directly to medical personnel

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On June 23, 2015, ERO Philadelphia submitted a Uniform Corrective Action Plan (UCAP) describing the process in place to maintain proper oversight of the medical provider. ERO HQ Detention Standards Compliance Unit approved that UCAP.

On October 16, 2015, the NG completed an annual detention inspection of the YCP. In part, the above deficiency was not cited.

On October 14, 2016, the NG completed an annual detention inspection of the YCP. In part, the above deficiency was not cited.

On October 18, 2017, the NG completed an annual detention inspection of the YCP. In part, the NG cited the same deficiency identified on October 2, 2014:

- Medical grievances are not submitted directly to medical personnel

Discussion:

The YCP utilizes a sub-contractor to provide medical care. As a result, YCP believes their current practice is critical to maintain oversight of the sub-contractor and ensure detainees are receiving appropriate care. YCP employs several grievance coordinators who are considered part of the medical team providing oversight of the contract. The grievance coordinators collect all grievances and route them directly to the appropriate location for a response. This allows the facility to ensure the medical sub-contractor is responding appropriately and timely. It also allows YCP to identify performance issues with the medical provider. The process does not delay the response in any way and grievances are acted upon within the timelines outlined in the standard.

Recommendation:

Based on the foregoing and due, in part, to the varying interpretation of the Grievance System, specifically as it applies to Section (V)(C)(3) of the 2008 PBNDS, I recommend the AD for CM approve this waiver.

Approve: Jmb 11/22/17 Disapprove: \_\_\_\_\_

Modified: \_\_\_\_\_ Needs Discussion: \_\_\_\_\_